

REMARKS

The Examiner's Action mailed on December 12, 2007, has been received and its contents carefully considered.

In this Response, Applicants have made no amendments. Claim 1 is the sole independent claim, and claims 1-3 and 9 are pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

The specification was objected for an informality. It is respectfully submitted that this objection is moot, due to the previous Amendment filed October 30, 2007.

The paragraph on page 6, lines 10-18, has previously been amended to recite that "the outer peripheral edge 11a of the flange 11 is corrugated when seen in the *vertical* direction" (*emphasis added*) and not in the *horizontal* direction.

The original drawings filed on February 1, 2005 were objected to in the Summary of the Office Action, but no further details were given in the body of the Office Action. It is respectfully requested that this objection be withdrawn.

Without more, it is unclear whether the replacement drawing previously submitted for FIG. 4(B) has been entered. It is respectfully submitted that this drawing should have been entered, as it is supported by claim 4 as originally filed, as explained by the Applicant in the previous response filed October 30, 2007, but not addressed in the body of the present Office Action.

Claim 1 was rejected under 35 USC §103(a) as obvious over the combination of *Gentry et al.* (US 2001/0003341 A1) with *Witmer* (US 3,097,780). This rejection is respectfully traversed.

Claim 1 presently recites: "A packaging container molded of a synthetic resin sheet in a predetermined shape having an opening, comprising: a flange provided at said opening, said flange projecting outwardly from said opening; wherein *said flange is provided with regularly formed minute projections or minute recesses arranged in a pattern of at least two rows and at least two columns*; and an outer peripheral edge of the flange forms a vertically corrugated edge defined by a line crossing the minute projections or minute recesses" (*emphasis added*).

The Office Action admits that the waves **20** in *Gentry et al.* are not "arranged in a pattern of at least two rows" and then alleges that the bosses **(15, 15a)** or flats **(16, 16a)** of *Witmer* are "arranged in a pattern of at least two rows and at least two columns".

An object of *Gentry et al.* is to provide a flexible rim ([0004]) to prevent cracking from occurring due to tensile loads exerted onto the flange when food products are loaded into a disposable plastic container ([0002] and [0003]) and the container is handled by a consumer. Therefore, *Gentry et al.* discloses a rim having waves, which act like an accordion and increases the perimeter, more particularly allowing the rim to flatten, thereby reducing the hoop stress. By

reducing the hoop stress, the tendency of the rim to crack or break is minimized (¶[0006]).

An object of *Witmer* is to provide a paper plate composed of thin fibreboard or paperboard, which has an improved rigidity to prevent bending at a grasped edge and to prevent food products on the plate from spilling over the edge.

Witmer therefore discloses a paper plate constructed such that the plate is not easily bent, having a rim formed with projections regularly arranged in a staggered relationship.

Thus, *Gentry et al.* and *Witmer* have entirely opposite reasons for having a rim "provided with regularly formed minute projections or minute recesses arranged in a pattern". That is, the waves 20 of *Gentry et al.* are provided to "allow the rim to flatten" (e.g., ¶[0006]), whilst the bosses (15, 15a) and flats (16, 16a) of *Witmer* are provided "to improve the bending resistance" (e.g., column 2, lines 12-26).

Consequently, to apply the arrangement of bosses and flats of *Witmer* to the rim of *Gentry et al.* teaches away from *Gentry et al.*, because it is an object of *Gentry et al.* to "allow the rim to flatten" to relieve stress, whereas the arrangement of bosses and flats of *Witmer* would make the rim more rigid and less able to flatten.

The Office Action further states that "It would have been obvious to modify the arrangement of the projections and recesses of Gentry by adding another row of projections or recesses or both to Gentry's flange and to align the added row so that the projections or recesses align in columns in order to add rigidity to the flange, eliminate or reduce flexing of the flange and resist bending of the flange so that when the container is grasped and lifted by the flange the flange doesn't bend".

However, here the stated reason to combine the references is "to add rigidity to the flange, eliminate or reduce flexing of the flange and resist bending of the flange", which again teaches away from *Gentry et al.*, which has as an object to "allow the rim to flatten".

Consequently, claim 1 patentably defines over *Gentry et al.* and *Witmer*, whether taken separately or in combination, and is allowable, together with claims 2, 3 and 9 that depend therefrom.

It is submitted that this application is in condition for allowance. Such action and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Should any remittance be required, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and advise us accordingly.

Respectfully submitted,



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Date

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AMENDMENT

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